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New York

President:	Mr. Zagaynov	(Russian Federation)
Members:	Argentina	Ms. Millicay
	Australia	Ms. King
	Chad	Mr. Gombo
	Chile	Mr. Gálvez
	China	Mr. Cai Weiming
	France	Mr. Lamek
	Jordan	Mr. Omaish
	Lithuania	Mr. Baublys
	Luxembourg	Ms. Lucas
	Nigeria	Mr. Laro
	Republic of Korea	Ms. Paik Ji-ah
	Rwanda	Mr. Nduhungirehe
	United Kingdom of Great Britain and Northern Ireland	Mr. McKell
	United States of America	Mr. Lord

Agenda

Reports of the Secretary-General on the Sudan and South Sudan

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The meeting was called to order at 10.10 a.m.

Adoption of the agenda

The agenda was adopted.

Reports of the Secretary-General on the Sudan and South Sudan

The President (*spoke in Russian*): In accordance with rule 39 of the Council's provisional rules of procedure, I invite Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, to participate in this meeting.

The Security Council will now begin its consideration of the item on its agenda.

I now give the floor to Prosecutor Bensouda.

Ms. Bensouda: Today's briefing marks the nineteenth visit of the Office of the Prosecutor of the International Criminal Court to the Council to update its members on the situation in Darfur. December 2014 will mark the twentieth such briefing, and March 2015 will mark 10 years since the Council referred the Darfur situation to the International Criminal Court. None of these milestones gives cause for celebration.

In the close to 10 years since the Council's much-lauded referral of the situation in Darfur to the International Criminal Court (ICC), systematic and widespread crimes have continued to be committed with total impunity in Darfur. It is indeed an understatement to say that we have failed the Darfur victims who continue to bear the brunt of those crimes. Over the past years, a number of players, including the International Criminal Court, the United Nations and others, have been engaged in efforts to bring justice and other forms of relief to Darfur's victims. The time has now come for us to take a critical look at the impact of all our efforts vis-à-vis Darfur. What have we achieved, in concrete terms? Have we lived up to the expectations of Darfur's victims? Sadly, the intellectually honest answer is a resounding "no".

While the International Criminal Court may have significantly contributed to raising awareness of the massive and systematic crimes committed in Darfur, the Court's best contribution to ending impunity — through a judicial process that independently, fairly and impartially assesses the evidence and determines guilt or innocence — is yet to be achieved. The reality is that the International Criminal Court's judicial process cannot take place without arrests. Darfur suspects remain at large and no meaningful steps have been taken to apprehend them and bring them to justice. To be clear, the Court does not have the power to arrest indictees. It is the responsibility of States and others to arrest and surrender indictees to the custody of the International Criminal Court.

There are critical questions to which Darfur's victims are seeking answers from the Council. How much longer will legality and accountability be sacrificed at the altar of political expediency? How much suffering should Darfur's victims endure for the Council to act decisively on the situation in Darfur? The Court remains firmly convinced that enforcing warrants of arrest in Darfur is a key element of peace and stability and of ending the victims' suffering.

Today we are in the same position we have been in since 2007, when warrants of arrests were issued against Mr. Ahmad Harun and Mr. Ali Kushayb. Even with the addition of another three arrest warrants — two for Mr. Omer Al-Bashir in 2009 and 2010, and one for Mr. Abdel Raheem Hussein in 2012 — the situation has not changed. It is a sad reality that action from the Council has not been forthcoming when it matters most for Darfur's victims. That not only reflects badly on the international criminal justice system, of which the ICC is only a part, it also greatly undermines the Council's credibility as an instrument of international peace and security. The time is long overdue for the Government of the Sudan's consistent defiance of Security Council resolutions to be met by decisive action from the Council.

Recent allegations that reporting from the African Union-United Nations Hybrid Operation in Darfur (UNAMID) has been subject to manipulation, with the intentional effect of covering up crimes committed against civilians and peacekeepers, in particular those committed by the Government of the Sudan, should be a matter of concern for all of us. These allegations call for a thorough, independent and public inquiry. While the responsibility for such manipulation may lie with a handful of individuals, it impugns the credibility of the mission as a whole and deprives advocates of peace and justice of an essential tool for evaluating the ever-evolving situation in Darfur. The victims in Darfur, and the peacekeepers who have sacrificed their lives, deserve better. We all do. It is to be hoped that the Council — and, indeed, the United Nations as a whole — will take immediate and concrete steps to

establish the full facts and take appropriate action if the allegations prove to be well-founded.

The implementation of the non-essential contacts policy, particularly with regard to the Darfur situation, deserves closer scrutiny within the United Nations system. As my Office suggested in its June 2013 report (see S/PV.6974), the application of the non-essential contacts policy requires a rigorous assessment as to whether such contacts are indeed strictly required for carrying out essential United Nations-mandated duties. Without such an ongoing assessment, both before and after contacts with those subject to the Court's arrest warrants, the potential for those individuals to take advantage of the goodwill of the United Nations to legitimize their own actions is great. In order to dispel misperceptions about United Nations engagements with indictees, the Organization might wish, to the extent that it is possible, to make public all its contacts with those subject to ICC warrants of arrest, including, as far as is necessary, providing explanations of why such contacts are deemed to have been strictly required for carrying out essential United Nations-mandated duties.

We have taken note of Mr. Omer Al-Bashir's travels during this reporting period, including his visits to States that are party to the Rome Statute. States parties are clearly obliged to cooperate with the ICC in arresting and surrendering those subject to ICC warrants. In a recent Chamber decision, the judges made it clear that States parties must consult with them about any problems they have identified that may hinder their cooperation with the Court in effecting arrests. On the issue of immunity, the judges also found that there could be no lack of clarity about Mr. Omer Al-Bashir's lack of immunity under article 27 of the Rome Statute.

The question of Mr. Bashir's travels remains a matter before the Council. Such travels are not simply a challenge for the States parties that he may visit, it is a challenge for all States to provide the necessary support and assistance to one another to ensure that an effective arrest and surrender can take place. In that regard, it is worth recalling that in addition to the obligations of the Rome Statute, all States Members of the United Nations have been urged by the Council to cooperate with the Court's investigations and prosecutions in Darfur. As the Pre-Trial Chamber recently emphasized,

> "When the Security Council, acting under Chapter VII of the United Nations Charter, refers a situation to the Court as constituting a threat to international peace and security, it must be expected that the Council would respond by way of taking such measures which are considered appropriate, if there is an apparent failure on the part of States parties to the Statute or the Sudan to cooperate in fulfilling the Court's mandate as entrusted to them by the Council. Otherwise, if there is no follow-up action on the part of the Security Council, any referral by the Council to the ICC under Chapter VII of the United Nations Charter would never achieve its ultimate goal, namely, to put an end to impunity."

Accordingly, the Chamber concluded, "any such referral would become futile."

I share the deep concern of UNAMID's Deputy Joint Special Representative for Political Affairs, Joseph Mutaboba, and the United Nations Resident and Humanitarian Coordinator in the Sudan, Ali Al-Za'tari, about the increasing violence in Darfur and the immense number of people who continue to be displaced. I likewise deplore the increasing constraints being put on those who are trying to aid the displaced, making it more and more difficult for them even to properly monitor the conditions of the displaced. The deliberate obstruction of humanitarian aid must end.

Equally worrying are the ongoing patterns of aerial bombardments and armed attacks on civilian populations by militia and Janjaweed, and in particular the involvement of the newest iteration of the Janjaweed, the Rapid Support Forces, led by Mohamed Hamdan. It is particularly disturbing that in February the Rapid Support Forces shifted their operations from North Kordofan to Darfur. My Office's factual indicators seem to illustrate a similar pattern of indiscriminate and disproportionate attacks on civilians by the Rapid Support Forces. In all the reported attacks, crimes against civilians were allegedly committed from the end of February onwards, coinciding with the deployment of the Rapid Support Forces to Darfur. In 12 of the 17 reported attacks, civilian villages were set ablaze. In the majority of the attacks, the presence of rebels in the attacked areas is not reported, while in others the information available is ambiguous. All of the attacks were carried out in areas located in South and North Darfur.

This reporting period has also witnessed an increasing pattern of gang rapes of women and girls. I have just released a comprehensive policy paper on sexual and gender-based crimes. My Office recognizes

that sexual and gender-based crimes are among the gravest of crimes under the Rome Statute. The policy paper will guide the Office's work in this area in Darfur and all other situations under the jurisdiction of the International Criminal Court.

Attacks on students, on civil society and on local leaders — in particular the 21 January attack in Zalingei, in central Darfur, in the course of which security forces attacked and beat students who were protesting military fees imposed on residents in support of military operations — are also very disturbing. Equally disturbing is the 3 April attack at the University of Nyala, in South Darfur, during which approximately 100 students were beaten and dispersed with tear gas, with seven arrested. That followed a demonstration against the arrest of four students who had criticized the Government over ongoing killings, lootings and burnings in Darfur. The use of violence against unarmed civilians must be addressed.

Let me repeat what I have stated to the Council many times before. The Government of the Sudan, as the territorial State, has the primary responsibility and is fully able to implement the warrants, consistent with its sovereign authority. It has consistently failed to do so. At the same time, it has also failed to provide any meaningful measure of justice at the national level.

I look forward to constructively interacting with the Council on the Darfur issue. What is needed is a dramatic shift in the Council's approach to arresting Darfur suspects. I appreciate the efforts being made to ensure that the Council produces a substantive response to the eight outstanding communications from the Court. Likewise, I believe that concerted efforts to promote cooperation with the Court may help to fill the gap. In that regard, I kindly call on all States and the Council to find creative ways to support those among them that may be most vulnerable to planned visits by Mr. Omer Al-Bashir or other individuals wanted under ICC arrest warrants.

I thank the members of the Council for their attention and for remaining actively seized of the Darfur situation. Darfur does not have to be a failure for the Council, for the United Nations or for the International Criminal Court. It is incumbent upon all of us to take concrete and effective action now to ensure that our efforts to protect victims in Darfur show tangible results and do not go down in history as an indefensible failure.

The President (*spoke in Russian*): I thank Prosecutor Bensouda for her briefing.

I shall now give the floor to the members of the Security Council.

Ms. Paik Ji-ah (Republic of Korea): I thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court, for her briefing on the recent developments in the Darfur situation.

Darfur was the first case the Security Council referred to the International Criminal Court (ICC). As such, the situation has given us an opportunity to realize the vision of putting an end to impunity, through close interplay between the Council and the ICC, for those who committed serious crimes against the human conscience. At the same time, the situation has imposed upon us various challenges that we have to confront in order to make the interplay more constructive and relevant to the maintenance of international peace and security. So far, the Council and the ICC have not lived up to that expectation. The situation has been tarnished by the lack of cooperation, not only on the part of the Sudanese Government but also on the part of other States, which have international obligations to cooperate with the ICC.

Although the ICC has reported to the Security Council that there have been instances of non-cooperation, efforts within the Council to respond to the reports were defeated because the Council failed to forge unity on what would be the most proper way to do so. It was the Security Council that referred the situation to the ICC; therefore, follow-up action on the part of the Council to the referral is not only fair but also necessary. Despite the difficulties we face, the Council and the ICC need to redouble their efforts to that end. In addition, more rigorous consultations between the United Nations and the ICC should be encouraged to close any potential communications gap. Making their respective work compatible and mutually reinforcing is essential to bring justice and peace to the region.

The international community created the ICC out of the conviction that holding perpetrators of serious crimes against humanity accountable could prevent the emergence of such criminals in future. The current situation in Darfur seems to confirm that conviction in the reverse. As the culture of impunity continues to prevail, security in Darfur is deteriorating because perpetrators do not need to be concerned about the consequences of their crimes. The outcome is an ever

worsening security situation and unabated human suffering, driving many innocent people from their homes. That vicious cycle must be stopped. Delivering justice to those who have committed heinous crimes is the first step to that end. A robust monitoring and review of alleged crimes involving international human rights and humanitarian laws, such as various forms of attacks against civilians, should be stressed. Proactive campaigns to pursue those who have committed sexual and gender-based crimes against the most vulnerable must be given top priority. International cooperation in that regard needs to be further solicited.

The situation in Darfur and the role of the ICC in it is a litmus test of our ability to bring peace and stability through the pursuit of international criminal justice. The Council needs to consider what support it can render to the ICC to accomplish that goal. We continue to work with other Council members and the ICC in that vein.

Mr. Cai Weiming (China) (*spoke in Chinese*): I thank Prosecutor Bensouda for her briefing.

Recently, the situation in Darfur has been generally calm with some ups and downs. The Sudanese Government has stepped up its preparations for the national dialogue, actively implemented the Darfur Peace Agreement, promoted communal reconciliation and combated crimes. It has taken some positive steps with regard to humanitarian access. China welcomes that and supports the efforts by the Sudanese Government in advancing the political process and reconciliation.

China is deeply concerned about the attacks against civilians, United Nations peacekeepers and international humanitarian relief workers that took place in Darfur. We are deeply troubled by the increasing number of internally displaced persons. We call on all armed rebel groups to stop the violence immediately and take part in the political process.

The United Nations plays an important role in promoting a solution to the Darfur problem. China supports and encourages dialogue and cooperation between the United Nations and the Sudanese Government and supports the important role of the African Union-United Nations Hybrid Operation in Darfur in maintaining peace and stability in Darfur.

The question of Darfur is very complicated, as it involves the political process, security and stability, development and reconstruction, humanitarian assistance and judicial justice. Among those aspects, the political process is the most crucial. Only when sustained progress in the political process is made, can Darfur enjoy lasting peace, which will pave the way for work in other areas, such as judicial justice and finding a comprehensive solution to the Darfur question.

China has not changed its position on the ICC in regard to Darfur.

Ms. Lucas (Luxembourg) (*spoke in French*): I thank the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for presenting her nineteenth report on the situation in Darfur and the Court's ongoing judicial activities.

The Council is meeting again at a time when the arrest warrants issued by the International Criminal Court against four individuals indicted for war crimes, crimes against humanity and, for one of them, genocide have not yet been executed. The Government of the Sudan has the primary responsibility to comply with resolution 1593 (2005) and to fully implement the arrest warrants. It continues to refuse to do so. At the same time, as the Prosector just recalled, the Sudanese Government has failed to implement measures to effectively fight impunity at the national level. More generally, the report of the ICC Prosecutor reminds us that, despite the 55 resolutions adopted by the Security Council on the Sudan since 2004, almost none of the requests contained in those resolutions has been implemented. That is unacceptable.

It is with great concern that we note the cases of non-cooperation with the Court. We are particularly dismayed that the President of the Sudan, Omer Al-Bashir, continues to make trips in the region, including to States parties to the Rome Statute.

Since our last meeting with the Prosecutor, in December (see S/PV.7080), the security and humanitarian situation in Darfur has seriously deteriorated. That is the result of an increase in conflicts between tribes and communities, the deployment by the Sudanese Government of Rapid Support Forces, attacks by rebel groups and indiscriminate shelling by the Sudanese Armed Forces. What is particularly worrying are the serious abuses against civilians, particularly sexual violence against women and violence against children.

The clashes are becoming more frequent and increasingly deadly in many parts of Darfur. An additional 320,000 people have been displaced in Darfur since 1 January, bringing the total number of internally displaced persons to over 2 million. We call

on all parties to ensure free and unhindered access for the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and humanitarian actors throughout Darfur. Serious threats continue to affect the safety and security of humanitarian workers and UNAMID personnel. Attacks that target them are unacceptable. However, to date, none of the investigations by the Sudanese authorities on attacks against Blue Helmets has led to any convictions.

The report of Ms. Bensouda outlines the crimes currently being perpetrated in Darfur that are likely to fall under the Rome Statute. We encourage the Office of the Prosecutor to continue to monitor the situation in Darfur, to gather information on alleged crimes and to consider opening new investigations into the situation in Darfur. We take this opportunity to reiterate our request to all Member States, whether they are parties to the Rome Statute or not, and all regional and international organizations to cooperate fully with the ICC, as required by resolution 1593 (2005).

For its part, the Security Council should ensure effective monitoring of cases referred to the ICC. It is a question of credibility and efficiency. In that regard, we strongly hope that the ongoing efforts aimed at leading the Security Council to respond to the eight formal communications that the Court has conveyed to it to report cases of non-cooperation will soon bear fruit. While the Security Council must be consistent, Member States and the Secretariat should be likewise. That applies in particular with regard to the elimination of non-essential contacts with those accused. The directives of the Secretary-General regarding contacts between United Nations officials and those subject to an arrest warrant or a summons issued by the Court must be strictly observed.

We express our support for Ms. Bensouda's proposal that the Secretary-General initiate an in-depth, independent and public investigation into the allegations of information manipulation contained in UNAMID reports, following the revelations made recently by a former spokesperson of the Mission. It is essential that the Security Council have the most complete and reliable information possible on what is happening in Darfur.

To conclude, I would like to assure the ICC Prosecutor of Luxembourg's complete support the resolute work that her Office continues to carry out in the fight against impunity for crimes committed in Darfur. We join the call that Ms. Bensouda has launched today for stronger action by the Security Council and States parties to the Rome Statute so that justice can finally be rendered to the victims of the Darfur conflict. Indeed, a lasting peace in Darfur will remain out of reach as long as the persons accused of having committed war crimes, crimes against humanity and genocide in Darfur do not have to answer for their actions.

Ms. Millicay (Argentina) (*spoke in Spanish*): Argentina thanks the Prosecutor of the International Criminal Court (ICC), Ms. Fatou Bensouda, for presenting her nineteenth report in accordance with resolution 1593 (2005).

Argentina deplores the continued violations of human rights and international humanitarian law in Darfur. In resolution 2138 (2014), adopted in February, the Security Council noted that it was imperative that all parties refrain from any violence against civilians, in particular vulnerable groups such as women and children, and from committing violations and abuses of international humanitarian law and human rights law. In the same resolution, the Council deplored the continuing obstacles to the work of the Panel of Experts and the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and called on the Sudanese Government to lift the state of emergency in Darfur and to ensure accountability for serious crimes.

Argentina once again commends the Office of the Prosecutor's focus on monitoring the crimes currently being committed, including aerial bombardments affecting civilians, which are clearly referred to in resolution 2138 (2014); ground attacks against civilians, which have escalated since February; continuing sexual and gender-based violence, which has become a prominent element of the conflict in Darfur; attacks on human rights and civil society activists; kidnappings of and attacks on humanitarian workers and UNAMID staff; obstacles to access for humanitarian assistance and peacekeeping personnel; and the forced displacement of civilians, who now include 250,000 newly displaced, thus bringing the number of internally displaced persons in Darfur to 2 million people. Argentina, as always, encourages the Prosecutor to continue to investigate such acts, which may qualify as crimes under the Rome Statute, and takes this opportunity to recognize the value of the policy paper on sexual and gender-based crimes published by the Office of the Prosector.

Another crucial aspect that the Prosecutor usually highlights in her reports on Darfur is, of course, that of cooperation. The Sudanese Government is required,

under resolution 1593 (2005), to cooperate with the Court and render all assistance necessary. The States parties to the Rome Statute are obliged to cooperate under that instrument. But the resolution also urges all other United Nations Member States and members of regional organizations to cooperate with the Court. Implementing the arrest warrants is an essential element of that cooperation. Currently, the arrest warrants issued by the Court since 2007 on charges of genocide, war crimes and crimes against humanity have still not been implemented. Argentina regrets the position taken by the Government of the Sudan vis-à-vis the Court, since the Sudan's own citizens continue to be victims of serious violations of human rights and international humanitarian law.

It is also regrettable that other States, including States parties to the Rome Statute, have disregarded their obligation to cooperate with the Court. Consequently, Argentina again urges all States to act as pursuant to the Rome Statute, and also calls on regional and subregional organizations, as presidential statement S/PRST/2013/12 notes, to cooperate with the Court in order to prevent impunity from prevailing.

The issue of cooperation with the Court leads directly to the follow-up by the Council of its referrals to the ICC. The Prosecutor herself recalls in her briefing the Court's eight communications to the Council on cases of non-cooperation. It is of concern that none of those has received an answer or has been acted upon by the Council. In its presidential statement S/PRST/2013/2, the Council committed to an effective follow-up of referrals to the Court. To date, however, despite the efforts of many Council members, it has not been possible to reach an understanding on the mechanism for that follow up. We again urge all Council members to advocate for the responsible follow-up of the referrals, since this body cannot ignore its referrals to the Court.

Both General Assembly resolution 67/295 and presidential statement S/PRST/2014/5 recognize the issuance by the Secretary-General of guidelines on non-essential contacts with officials of the Organization by persons who are the subject of arrest warrants of the International Criminal Court. That is due to the recognition of the crucial role of cooperation with the Court for the success of its mandate, including in cases of referrals by the Security Council.

Argentina, not in its capacity as a State party to the Statute but as a Member of the Organization, has always maintained that the Secretary-General must ensure the strict implementation of the guidelines. In that regard, my country agrees with the Prosecutor on the need for a rigorous assessment of the necessity of every such contact in order to comply with United Nations mandates. Furthermore, any contact that is deemed essential following such an assessment must be brought to the attention of the Court before it takes place. We also encourage the Secretary-General to inform Member States, which adopt such mandates.

Such measures are necessary because contacts with United Nations officials, in particular senior officials and field staff, including as part of a peacekeeping operation, could not only affect the Court but also fundamentally undermine the credibility of the United Nations. We are also concerned about the Prosecutor's statement with regard to the way in which UNAMID's reporting of crimes committed against civilians and peacekeeping forces may have been handled. We believe that it is imperative that the Secretary-General investigate such allegations.

As on every occasion that the Council talks about the International Criminal Court, allow me recall that there are two aspects of referrals to the Court, including in the case of Darfur, with which Argentina does not agree. One is the exception of the Court's jurisdiction for nationals of States not party to the Rome Statute and the other is the statement that the United Nations will not bear the costs of the referral. Argentina's position in that regard is well known. I will therefore not reiterate it but will, however, repeat that both such matters are not in compliance with the Rome Statute.

The Court is an institution that was founded on the common understanding that serious crimes should not go unpunished and that justice and the punishment of perpetrators help to prevent such crimes. I therefore wish to commend the work of the Prosecutor and of her Office on the follow-up of this referral by the Security Council. I thank her for her continuing readiness to dialogue with the Council. Finally, I would like to once again reaffirm Argentina's strong commitment to the International Criminal Court.

Mr. Laro (Nigeria): I thank Prosecutor Bensouda for her briefing. Nigeria notes the concerns of the Office of the Prosecutor about the recent allegations of the manipulation of reporting by the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and of the cover-up of crimes committed against civilians and peacekeepers. We share those concerns and urge

the Secretary-General to look into the allegations with a view to determining the truth. It is essential that the United Nations report on UNAMID convey the truth about the situation on the ground. That is crucial to maintaining the integrity not only of United Nations reporting but also of the United Nations itself.

We are greatly concerned about the increase in violence in Darfur, which has had a negative impact on the humanitarian situation. The displacement of more than 200,000 persons in the first three months of 2014 alone underscores the magnitude of the problem. We are deeply disturbed by the difficulty experienced by humanitarian actors, including the United Nations, in terms of access to those in need. We deplore the restrictions placed on humanitarian agencies, which have made it increasingly challenging for them to monitor the number of people displaced from their homes.

The report indicates that the Office of the Prosecutor is currently monitoring several trends that could constitute crimes under the Rome Statute. Those include alleged attacks by rebel groups on civilians, as well as alleged attacks on humanitarian aid workers and peacekeepers. The dangers to humanitarian workers and peacekeepers in Darfur are real. Only last month, a Rwandan peacekeeper tragically lost his life while mediating a peace meeting in the village of Kabkabiya. Three other peacekeepers were wounded on the same occasion. The picture is the same for humanitarian workers, who work in extremely challenging circumstances and at great risk to their safety.

We look forward to seeing the outcome of the monitoring activities of the Office of the Prosecutor in Darfur.

Mr. Gálvez (Chile) (*spoke in Spanish*): We are grateful for the convening of this meeting and we welcome the presence of the Prosecutor of the International Criminal Court, Ms. Fatou Bensouda. We also thank her for her briefing to the Council on the situation in Darfur, pursuant to resolution 1593 (2005).

The adoption of resolution 1593 (2005) under Chapter VII of the Charter of the United Nations, which referred the situation of Darfur to the International Criminal Court, provides for the Court's jurisdiction to extend to a State not party to the Rome Statute, in this case the Sudan, and compels it to cooperate with the Court. The Council has the primary responsibility for following up the situation in Darfur in the International Criminal Court, which should not be seen as having been discharged solely by referring the situation to the Court, holding such debates or receiving briefings from the Prosecutor.

The eight communications from the Court to the Council on non-cooperation in the case of Darfur are an example of the need for that follow-up. In that regard, the Security Council should continue due dialogue with the Court and its Prosecutor and respond to the Court's requests. The silence of this body with regard to those requests indicates a failure in meeting its responsibility. Chile therefore supports effectively following up the situations referred by the Council to the Court, to ensure the effectiveness and impact of the Council's resolutions.

In order to ensure successful investigations and prosecutions by the International Criminal Court, States must duly cooperate, either by virtue of being parties to the Rome Statute or in line with Chapter VII of the Charter of the United Nations, as provided in resolution 1593 (2005).

The specific case of Darfur has generated a series of situations of non-cooperation with the Court, in particular and quite regrettably on behalf of the Sudan as well as on the part of other States. Chile therefore reiterates its call upon all the relevant States to cooperate with the International Criminal Court and to comply with the rulings handed down by the Court.

The humanitarian situation in Darfur as described in the recent report is even more worrisome than it was in the Prosecutor's previous report. This year, the number of internally displaced persons (IDPs) has surpassed the numbers of 2011 and 2012. All told that is half as much as those who had to flee their homes in 2013, resulting in more than 2 million displaced persons in Darfur since the conflict erupted.

We are also concerned that, according to the Prosecutor of the International Criminal Court, serious crimes falling under the Rome Statute continue to be perpetrated. We underscore the need for ongoing support to those institutions aimed at strengthening respect for the rule of law and human rights, while promoting full compliance with the obligation to cooperate with the Court and with the Prosecutor.

On repeated occasions the Council has addressed the humanitarian situation in Darfur. In particular we call for immediate compliance with resolutions 2138 (2014) and 2148 (2014), referring to the need to cease the

violence, particularly against civilians and especially against women and children.

My delegation welcomes the briefing on the recent judicial activities of the Prosecutor's Office, especially in the case of *Abdallah Banda Abakaer Nourain*, and the registering of individuals outside of the Sudan who face the Court's arrest warrants.

Chile underscores the serious nature of the crimes set out in the report, including aerial bombardments against civilians, sexual and gender-based crimes and crimes against human rights activists and members of civil society and community leaders. Abductions and attacks have also been carried out against humanitarian assistance providers and staff of peacekeeping operations. We encourage the Office of the Prosecutor to continue gathering evidence on new allegations of crimes perpetrated in Darfur, as that could serve as the basis of new investigations.

Chile is concerned about the alleged manipulation of reports carried out by the African Union-United Nations Hybrid Operation in Darfur, as described in paragraph 10 of the Prosecutor's report. Those would cover up crimes against civilians and against peacekeepers. We firmly support an investigation by the Secretary-General into that matter.

Lastly, my country emphasizes the importance of maintaining appropriate relations between the Court and the Council with regard to their jurisdiction and responsibility. We also reiterate our commitment in support of the work of the Court and of the Prosecutor.

Mr. Nduhungirehe (Rwanda): At the outset, I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her presentation of the nineteenth report of her Office to the Security Council. We have taken note of the recent judicial activities undertaken by the Court in relation to the continued monitoring of serious crimes committed in Darfur and the status of cooperation by the Government of the Sudan and other parties.

Our position on this debate has always been consistent. It is now about nine years since the Council referred the situation in Darfur to the ICC. However, those present might remember that since February 2009, African Heads of State and Government adopted during different African Union Summits decisions to request that the proceedings against President Omer Hassan A. Al-Bashir be deferred in accordance with article 16 of the Rome Statute. The African Union, while reiterating its commitment to the fight against impunity, has stressed that the search for justice should be pursued in a way that does not impede or jeopardize efforts aimed at promoting lasting peace. Subsequently, it decided that all African countries that received President Al-Bashir since his indictment were in conformity with the decision of the African Union Summit and were pursuing the same goal of peace in the region. Therefore, we believe that reports of non-cooperation by African States impede efforts of the regional organization for peace in Darfur. In that regard, we are convinced that a concerted approach among the United Nations, the African Union and the Government of the Sudan is the best way to ensure accountability, while addressing the conflict in Darfur. Indeed, peace and justice cannot be mutually exclusive.

On the security situation in Darfur, we are deeply concerned about the ongoing hostilities that have continued to increase the suffering of the Darfuri people. It is particularly unacceptable for armed groups to use civilians as human shields in their fight against the Government.

Furthermore, Rwanda strongly condemns the repeated attacks on peacekeepers of the African Union-United Nations Hybrid Operation in Darfur (UNAMID), especially the recent incident of 24 May, in which a Rwandan peacekeeper was killed and three others were wounded.

We are very troubled by allegations of the manipulation of UNAMID reports, with the intent to cover up crimes committed against civilians and peacekeepers. We hope that UNAMID and the Department of Peacekeeping Operations will provide clarification on that issue.

A decade after the start of the conflict in Darfur, the Government of the Sudan needs to do much more in ensuring that those who committed human rights violations and other crimes, including sexual and gender-based violence and attacks on peacekeepers, are held accountable.

We also need to emphasize the responsibility of the Government of the Sudan in ensuring the protection of its people. Similarly, it is important that the Government takes concrete steps in addressing the root causes of repeated inter-communal violence in Darfur.

The last 10 years of conflict in Darfur have proved that there can be no military solution to the conflict. Only a genuine political dialogue can bring peace

to Darfur. In that regard, we believe that the time has come for all warring parties to the conflict to understand that reality. In that respect, we commend the efforts of Mohamed ibn Chambas, Joint Special Representative for Operations and Management in UNAMID, which are aimed at convincing the non-signatory movements to join the Doha Document for Peace in Darfur. Likewise, we commend his efforts and those of President Thabo Mbeki, Chairperson of the African Union High-level Implementation Panel, in facilitating the national dialogue. It is important that the international community redouble its efforts in supporting all of those processes.

To conclude, let me state again that Rwanda — as a member of the Security Council, State member of the African Union and African Union-United Nations Hybrid Operation in Darfur troop- and police-contributing country — will continue to work towards sustainable peace, genuine reconciliation and accountability for the most serious crimes in Darfur.

Mr. Baublys (Lithuania): I would like to start by thanking Ms. Fatou Bensouda for her briefing and her nineteenth report to the Council on the situation in Darfur. Both the report and the Prosecutor's briefing show that the overall situation in Darfur has not improved since she last briefed the Council in December (see S/PV.7080). On the contrary, over the past six months the situation in Darfur has continued to deteriorate. Clashes between the Government and the rebels continue. Civilians are affected by indiscriminate and disproportionate attacks. Approximately 250,000 people have been newly displaced, including due to attacks carried out by the Sudanese Government supported Rapid Support Forces on villages and the camps of internally-displaced persons. That number dwarfs the number of people displaced in 2011 and 2012. Humanitarian aid workers and peacekeepers are subject to attacks throughout Darfur. The deliberate obstruction of humanitarian assistance must end.

The report also notes the persistence of sexual and gender-based violence in Darfur. I strongly condemn those horrendous crimes. It is imperative that an end be put to the culture of impunity that allows sexual and gender-based crimes to continue unabated. An investigation into such cases should be made a priority. All perpetrators of those and other serious crimes must be brought to account. The Government of the Sudan should do more to end attacks against civilians, fight impunity, ensure accountability and guarantee justice for the victims. Justice must be made the cornerstone of a lasting and sustainable peace agreement in Darfur.

The report before us contains multiple reminders of the challenges the Prosecutor's Office is facing in fulfilling its mandate. Resolution 1593 (2005) remains a dead letter and has yet to be implemented. After 10 years and countless victims since the beginning of the conflict in Darfur, only four senior officials have been indicted for war crimes and crimes against humanity; one of them is also accused of genocide. They are the only ones who have been held to account.

We again urge the Government of the Sudan to meet its obligations and to cooperate with the International Criminal Court (ICC), including on the enforcement of the arrest warrants issued by the Court. All States parties to the Rome Statute and all relevant regional and international organizations are required to cooperate fully with the ICC, in accordance with resolution 1593 (2005).

We welcome the guidelines issued by the Secretary-General last year on non-essential contacts on the part of members of the Secretariat with individuals subject to ICC arrest warrants, yet we share the concerns expressed by the Prosecutor on high-level contacts with individuals under ICC arrest warrants.

The Council can do to more to assist the Court. One obvious step is to list individuals under ICC arrest warrants on the Sudan Sanctions Committee. Another step is to ensure an effective follow-up of the cases referred to the ICC and to answer the correspondence the Court has addressed to the Council on cases of non-cooperation. As a matter of fact, in a presidential statement on the protection of civilians last year (S/PRST/2013/2), Council members committed themselves to carrying out effective follow-up. However, there has been no agreement on a mechanism.

In conclusion, I would like to reiterate Lithuania's full support for and cooperation with the Prosecutor of the International Criminal Court in carrying out her important mandate.

Mr. Lamek (France) (*spoke in French*): I too thank Prosecutor Bensouda for her report. It is a report with a particularly serious tone that warrants not only the Security Council but also the Secretariat to question the impact of the activities we have undertaken for the benefit of the civilian population in Darfur.

The immense region of Darfur has been the site of atrocities since 2002. At the very start, the Council created the International Commission of Inquiry for Darfur and, on that basis, referred the situation in Darfur to the Prosecutor of the International Criminal Court (ICC) in 2005. The first arrest warrants of the ICC were delivered in 2007. Furthermore, the Council has not remained inactive on the political front as it has actively participated in the mediation efforts with the African Union. It also deployed to Darfur one of its largest peacekeeping operations, the African Union/United Nations Hybrid operation in Darfur (UNAMID).

But let us be clear enough to acknowledge that, failing the genuine implementation of resolution 1593 (2005), the situation has only gotten worse. We have not succeeded in meeting our responsibility to protect the civilian population in Darfur. Almost 400,000 new internally displaced persons (IDPs) since February 2014, aerial bombings of villages, sexual violence on a massive scale committed against women, militias practicing scorched-earth policies attacking the IDP camp at Khor Abeche — the destruction of an entire people is the goal. The only development is that they changed the name of the Janjaweed militias. They now go by the name Rapid Support Forces, but the crimes are the same. Their modus operandi remains the same as that they followed in the darkest periods of the conflict.

The tragedy has taken on a national dimension. The action of the Rapid Support Forces and the violation of fundamental rights involve the entire territory. Although the Sudanese Government says that it is ready to launch a comprehensive process of national dialogue and constitutional review, its calls to action are void of any meaning as it increases the negative signals it is putting out — arresting opponents, bombing of civilian targets and sentencing Mariam Yahya Ibrahim to death for abandoning Islam.

UNAMID's effectiveness at protecting civilians is now open to question. The Security Council has therefore decided to undertake a strategic review of the force in order to improve its responsiveness and to allow it to refocus on its principal task — the protection of civilians. The Mission has been reproached for self-censoring, for minimizing the responsibility of the Sudanese authorities in the attacks, and for failing to take into full account the crimes that it had witnessed. Those are serious allegations. The Secretariat should seek to remedy the situation. Many of us also regret that the policy of avoiding essential contacts with persons subject to International Criminal Court arrest warrants, defined by the Secretary-General, has been sullied in the context of Darfur.

But we cannot put the blame for failure on the Mission alone. UNAMID is not a mission for imposing peace. We ask it to protect civilians who are directly affected, but at the same time to work in harmony with security forces that are guilty of crimes. If the Council is genuinely serious about implementing the peace agreement and protecting civilians, we must go beyond a strategic review of UNAMID. The fight against impunity must be reinvigorated. We cannot continue discussing the role of the Council in the fight against sexual violence and confine ourselves, as we are doing now, to asking UNAMID and the agencies to undertake training activities on how victims should fill out a complaint form. That is not serious.

Not a single head of militia is worried. President Thabo Mbeki himself said so before the Council. We must in fact pursue and arrest responsible parties if we want to finally bring an end to the violence in Darfur.

We are divided on the opportunity to arrest President Al-Bashir, which is unfortunate. It is also unfortunate that certain States parties to the Rome Statute continue to meet with him. France believes that such visits show disrespect for resolution 1593 (2005) and States' obligations under the Rome Statute. Beyond a particular interpretation of the law, one must also think of the impact of such visits, which can only encourage the Sudanese security forces and the militias to continue their practices.

Let us look towards the future. With respect to the Secretariat and the agencies, that means that the principal actors must have better communication with the Court; that aplies in particular to the African Union/United Nations Joint Special Representative, the Darfur Peace Agreement, the Department of Peacekeeping Operations, the Special Representative of the Secretary-General on Sexual Violence, the High Commissioner for Human Rights and the United Nations Development Programme. Let us be more consistent in the information that is disseminated and in the activities we deploy on the ground. We need a results-based approach, not an approach based on the number of seminars we hold.

As for the Council, we must measure the negative impact of our inability to implement resolution 1593

(2005). We see it in Southern Kordofan and Blue Nile states, where the Sudanese Government is repeating the same old practices against the population, including aerial bombings that target hospitals and schools. We see it throughout the region, in South Sudan and in the Central African Republic, where perpetrators of massive abuses believe — wrongly — that they enjoy total impunity. It is not a question of whether or not we support the ICC, but a matter of the maintenance of peace and security throughout the region.

In conclusion, I reiterate our full confidence in the Prosecutor. It would undoubtedly be useful, as proof of that support, if the Secretariat reassured her that it will mobilize all its components in support of international criminal justice. It would also be useful if future Council resolutions on Darfur reflected its concerns over the aerial bombings, the disarmament of militias, sexual violence and the necessity for the Sudan to cooperate with the International Criminal Court.

Ms. King (Australia): I would like to thank Prosecutor Fatou Bensouda for her briefing, as well as for the continuing efforts of the Office of the Prosecutor in relation to Darfur. These briefings are an important opportunity for us to reaffirm that both the International Criminal Court (ICC) and the Council have vital roles to play in ensuring that peace and justice are delivered to the people of the region. We cannot avoid Ms. Bensouda's central message to us that a dramatic shift is needed in the Council's approach to the level of support it provides to the International Criminal Court's effort to provide justice and accountability for the people of Darfur.

The Prosecutor's nineteenth report presents an extremely disturbing picture of the situation in Darfur, and the impact of the ongoing climate of impunity. It draws together what we in the Council have been trying to respond to this year alone in adopting resolutions 2138 (2014) and 2148 (2014), namely, the serious impact of the deteriorating security situation on the civilian population. We agree with the Prosecutor that there is every reason to be concerned about the trends in violence and the extent of its impact, including widespread sexual violence, which is causing great danger to civilians and to the peacekeepers and humanitarian workers seeking to help them.

This year alone, several hundred thousand people from Darfur — many of them women and children — have been displaced. That significant displacement reflects the fact that air strikes targeting civilians have reportedly continued despite clear demands from the Council that they cease. The air strikes have been coupled with the rise of the Rapid Support Forces paramilitary group, which the Prosecutor reports has been involved in attacks against civilians, including attacking and burning villages, and which the Government of the Sudan has admitted is affiliated with the Sudanese Armed Forces. Humanitarian access continues to be deliberately restricted.

We are therefore grateful for the Office of the Prosecutor's efforts to continue to monitor the situation in Darfur, despite the significant challenges it faces in conducting meaningful investigations. Accurate information is obviously essential to future accountability processes and to ensure informed Council deliberations. That includes information from the African Union-United Nations Hybrid Operation in Darfur (UNAMID), of course, so we therefore support the Prosecutor's call for a thorough, independent and transparent inquiry into allegations that information about crimes committed against civilians and peacekeepers have been withheld.

We welcome the ICC's ongoing preparations for the trial of Abdallah Banda, and look forward to the Trial Chamber's decision on a revised start date. We call on the Sudanese authorities to cooperate with the Court so that the Office of the Prosecutor can make progress in other investigations and prosecutions. In particular, the Sudanese authorities must arrest and surrender President Al-Bashir, Abdelrahim Mohamed Hussein, Ahmad Harun and Ali Kushayb, in line with the Sudan's obligations under resolution 1593 (2005).

It goes without saying that ICC States parties must also meet their obligations to cooperate with the Court. We are very disappointed that some States parties continue to invite President Al-Bashir to visit their countries and fail to meet their obligation to arrest and surrender him when he does. We welcome the Prosecutor's call for relevant States parties to be provided with the necessary support and assistance to ensure that effective arrests and surrenders can be made. And the Council should at least do the ICC the courtesy of responding to the Court's eight letters about the failure of some States to cooperate with the Court in relation to the Darfur referral.

The crimes reported by the Prosecutor are indicative of a pervasive culture of impunity in Darfur and a systemic failure by the Government of the Sudan to pursue accountability for attacks against its own

civilians, against humanitarian workers and against UNAMID peacekeepers. The Prosecutor is right to remind us that the Council's repeated demands to the Government of the Sudan to end impunity and bring justice and accountability to victims have gone deliberately unfulfilled. As Ms. Bensouda has told us this morning, the Government of the Sudan has failed to provide any meaningful measure of justice at the national level.

Those committing the crimes alleged in the Prosecutor's report must be held to account, and we know that the latest report presents only a fraction of what is actually taking place in Darfur. Where there is an allegation of an attack, such as that referenced in paragraph 44 of the Prosecutor's report — "in which militia forces, specifically from the Rapid Support Forces, reportedly gang-raped a 10-year-old girl" — it is unconscionable that the Government of the Sudan should fail to hold such perpetrators to account.

Despite the international community's efforts to date, the violence in Darfur is only getting worse. Perpetrators of Rome Statute crimes continue to avoid justice, emboldening others to commit similar crimes. Given the failure of the Sudanese authorities to take appropriate action on accountability, the ICC's efforts to ensure such accountability are critical. It was the Council that referred the situation to the ICC, and it is the Council that must shoulder its responsibility to support the Court's efforts to fulfil its mandate. There is no justification for further delay in the Council taking meaningful steps, therefore, to support the ICC's work in Darfur.

Mr. McKell (United Kingdom): We thank Ms. Bensouda for her report and her briefing today. In December last year, we expressed our concern at the lack of progress since she last addressed the Council (see S/PV.7080). It is extremely depressing that we must do so once again now.

First and foremost, that lack of progress is evidenced in the continued non-cooperation of the Government of the Sudan with the International Criminal Court (ICC) and by its non-implementation of its obligations under resolution 1593 (2005) and subsequent resolutions on the situation in Darfur. That is of serious concern, and we call once again on the Government of the Sudan to meet its obligations in that regard in full.

The Prosecutor's report refers to the catastrophic humanitarian situation in Darfur and the continuing perpetration of serious crimes against civilians. We are deeply concerned by the increased violence this year, including a resurgence of activities by rebel groups and the activities of the Government's Rapid Support Forces, as well as the continuing intercommunal violence.

Civilians continue to pay the highest price, with hundreds of thousands of people newly displaced this year. The reports of sexual and gender-based violence are deeply disturbing, both in terms of the high number and of the particular brutality of the violence. We are also concerned by alleged crimes against human rights defenders, civil society members and community leaders, as well as humanitarian workers and United Nations peacekeepers. The authorities' suspension of the activities of several humanitarian organizations will have an impact on civilians in dire need of assistance. We hope that the situation can be improved as quickly as possible.

We are deeply concerned by the active role that the Government's Rapid Support Forces are alleged to have played in the increased violence, including the looting and burning of villages. In addition, allegations of aerial bombardments by the Sudanese Armed Forces in rebel-held areas, harming civilian life and infrastructure, are extremely troubling. We also note with concern that the rebel forces have allegedly been involved in attacks on civilians. All parties must stop such actions immediately, take steps to ensure the protection of civilians in Darfur and grant unfettered and timely access to the African Union-United Nations Hybrid Operation in Darfur (UNAMID) and humanitarian workers.

We welcome the ICC's continued monitoring of actions that could constitute crimes under the Rome Statute, and reiterate our firm wish to work with partners to ensure that the perpetrators of such crimes face justice. The ICC States parties must play their part, too, by fully implementing their obligations under the Rome Statute. We urge States to implement essential contact policies in support of the Court and the Office of the Prosecutor. We note with concern that the Prosecutor's report raises questions over the implementation of the United Nations policy on non-essential contact and urge the Secretariat to ensure full compliance with it.

We are also concerned by the allegations referred to in the Prosecutor's report regarding UNAMID's handling of information about crimes committed against civilians and peacekeepers. It is of pivotal

importance that the Mission keep the Council fully informed, and in detail, about developments on the ground. Only with that, can the Council do its work most effectively. We encourage the Secretariat to look carefully into the allegations made.

We welcomed the strategic review of UNAMID in February this year and look forward to its full implementation. We urge the Mission, the Secretariat and UNAMID's troop- and police-contributing countries to continue to work together towards that goal.

Finally, we must do more to follow up on the referral to the ICC. It is a poor reflection on the Council that we have not been able to respond in substance to the many letters received from the Court notifying us of instances of non-cooperation.

Mr. Gombo (Chad) (*spoke in French*): I would like to thank Ms. Fatou Bensouda, Prosecutor of the International Criminal Court (ICC), for her report on the situation in Darfur.

Chad is deeply concerned about the serious deterioration in security conditions in Darfur, owing to ongoing clashes between the Sudanese Government and the armed rebel groups and to worsening inter-community violence. The involvement of paramilitary units and tribal militias in the conflict are clearly a primary cause of the violence among civilians and the chief cause of displacement in the population. All violence, including the destruction of villages, rapes and abductions, and including attacks on the African Union-United Nations Hybrid Operation in Darfur (UNAMID), must be halted. We condemn every act perpetrated on civilians by the Rapid Support Forces and other militias involved in the conflict.

As we have emphasized many times, there can be no military solution to this conflict. An open political settlement is essential to the restoration of peace in the region, which has been ravaged for more than a decade by an unprecedented civil war. On the humanitarian front, the escalation of the conflicts has resulted in a renewed deterioration of the situation. Since February, 400,000 people have fled the violence in numerous areas. This serious situation demands the attention of the entire international community and renders it vital that everything be done to stop the violence and protect innocent civilians. In that regard, we ask the Government of the Sudan to pursue the presumed perpetrators of these crimes and to help combat impunity.

Regarding the issues of insecurity and access that have hindered the ICC's investigations, as discussed in the Prosecutor's report, we call on the Sudanese Government to show proof of its flexibility and willingness to cooperate. Chad takes note of the Court's judgement in the case of Mr. Abdallah Banda and would like to express its support for the ICC in its efforts to bring justice to the victims and to end impunity.

It is clear that implementing the various Security Council resolutions on the crisis in Darfur has been difficult, due to the complexity of the crisis and to the fact that the concerns of the regional and subregional organizations involved in the quest for a way out of the crisis are not taken into account. We believe that it would be helpful to broaden the scope of our thinking on how to support the ICC in accomplishing its mission, by emphasizing the cooperation and involvement of all concerned through dialogue and by raising awareness. It would be counterproductive, in our view, to try to use the Security Council to exert systematic pressure in order to help the cases make progress in the Court. The issue of a solution to the follow-up of cases referred to the ICC could be usefully and judiciously discussed within the Conference of States Parties.

As we have always stated, concerning the issue of Chad's cooperation with the ICC, despite some difficulties linked to our status as a neighbour of the Sudan and our role as a facilitator in the Darfur crisis, Chad has always fully cooperated with the Court. It should be recalled that the ICC has conducted all its Darfur investigations from Chad, where it opened an office at the beginning of the crisis in the region. The situation in Darfur has had a huge impact on Chad, and it is no accident that almost 300,000 Sudanese refugees have ended up in the border area with Darfur since 2003. A lasting peace in Darfur would be a guarantee of stability and security for Chad and for all the countries bordering Darfur.

Furthermore, for the aforementioned reasons and at the international community's request, Chad has taken on the role of facilitator in settling the crisis in Darfur. It would be difficult, if not impossible, for us to play that part without being in contact with all the Sudanese parties. Chad nonetheless remains committed to its obligations under the Rome Statute and will do all in its power to meet them. However, considering the necessity of achieving security and stability, we ask for understanding on the part of the Court and the States parties for the non-compliance with certain procedures.

Lastly, in future Chad will take advantage of the consultation process outlined in the Rome Statute, enabling it to advise the Court in advance should it have difficulties in meeting its commitments.

Mr. Lord (United States of America): I would like to thank Prosecutor Bensouda for her briefing today. The United States appreciates her efforts to bring justice to the people of Darfur. We look forward to seeing further progress with the start of the trial of Abdallah Banda, who is alleged to be among those responsible for the deaths of 12 African Union peacekeepers.

The continued work of the International Criminal Court (ICC) in investigating ongoing war crimes and crimes against humanity in Darfur is made more difficult by the alarming levels of violence and the persistent failure of the Government of the Sudan to abide by its obligations under resolution 1593 (2005) to cooperate fully with the Court. While the people of Darfur continue to await justice, the architects of the campaign of terror who bear the greatest responsibility for atrocities in Darfur go free.

The consequences of this impunity are clear. Although the world first became aware of crimes in Darfur a decade ago, the Government continues to use apparently indiscriminate aerial bombardments with deadly consequences for civilians. Violence in Darfur continues to escalate as paramilitary Rapid Support Force soldiers kill, loot, burn and rape. This year, more than 322,000 Darfuris have been forced from their homes, worsening a humanitarian crisis that has been compounded by humanitarian groups' lack of access.

Unsurprisingly, the violence has spread beyond Darfur's borders. We are outraged by reports of ongoing indiscriminate attacks, as well as targeted attacks on civilians, hospitals and schools in the states of Southern Kordofan and Blue Nile. These attacks have resulted in more than 100,000 new displacements since May, interrupting the planting season. Nor has the Government of the Sudan honoured its commitments to justice and accountability under the Doha Document for Peace in Darfur. We have yet to see any credible independent investigation into violations of international humanitarian law or human rights, much less any cases for such acts prosecuted in the Special Courts for Darfur. Instead, we continue to see protracted assaults on civilians, peacekeepers and humanitarian aid workers. If the Sudan is to enjoy a peaceful, stable and prosperous future, the Government cannot be indifferent to the lives of its people.

But it is not just the Government of the Sudan that has failed to live up to its commitments. We note the decisions issued by the ICC's Pre-Trial Chamber with respect to non-cooperation in the Darfur situation. As the report by the Office of the Prosecutor notes, President Al-Bashir has traveled internationally on at least six occasions in as many months. We note that Africans have not always welcomed his visits. Last year, public protests and actions aimed at compelling President Al-Bashir's arrest made him leave one country before he was able to make an appearance, and activists in another country filed petitions demanding his apprehension and transfer to The Hague. The Security Council should take a cue from those groups and do more to follow up on the implementation of resolution 1593 (2005), since inaction only emboldens perpetrators in the Sudan and elsewhere.

In closing, the United States continues to believe that working to ensure justice and accountability for war crimes, crimes against humanity and genocide is not just a moral obligation, but is integral to ensuring a lasting and durable peace in the Sudan. We will continue to support Prosecutor Bensouda and ICC efforts to bring to justice those most responsible for serious crimes in Darfur.

Mr. Omaish (Jordan) (*spoke in Arabic*): At the outset, I should like to thank the Prosecutor of the International Criminal Court (ICC), Ms. Bensouda, for introducing the nineteenth report of her Office, pursuant to resolution 1593 (2005), and for her briefing to the Council today.

Guaranteeing and upholding the principles of the Rome Statute in delivering international criminal justice and fighting impunity requires full cooperation with the ICC so that it may fulfil its mandate, as highlighted in the Prosecutor's report and in her briefing today. Considering that the Security Council has referred the case of the Sudan to the ICC, the persistence of violations and the deterioration of the troubling humanitarian conditions in the Sudan, as stated in the report submitted by the Panel of Experts and the African Union-United Nations Hybrid Operation in Darfur, we reiterate the need to ensure full coordination and cooperation with the Prosecutor of the ICC on the part of all parties and countries in order to address the deficiencies highlighted in the Prosecutor's report.

Jordan supports the recommendations presented in the report and in today's briefing. We must spare no effort in countering the suspicion that UNAMID

reports have been manipulated in an attempt to cover up certain crimes.

The President (*spoke in Russian*): I shall now make a statement in my capacity as representative of the Russian Federation.

I too should like to thank Ms. Bensouda for introducing her nineteenth report to the Security Council and for today's briefing. We are seriously concerned about the deterioration of the security situation in Darfur, given the intensification of insurgent fighting. Just in the first three months of this year, as a result of incursions of the Sudanese Liberation Army/Minni Minawi, 135,000 civilians were forcibly displaced. Also troubling is the escalation of skirmishes among different tribes as competition for resources has tightened. Against that backdrop, we note the robust efforts of the Sudanese Government to reconcile warring parties and prevent the spread of intercommunal violence.

The pressing humanitarian issues, including that of refugees and internally displaced persons, can be resolved by normalizing the military-political situation in the region. Furthermore, improving the situation will depend to a great extent on the timely implementation of the decision taken at last year's Doha conference to allocate $1 billion to the development needs of Darfur, and on the easing of the debt burden and the lifting of the economic sanctions against the Sudan levied by the United States in circumvention of the Security Council.

Of key importance is the further implementation of the political settlement on the basis of the 2011 Doha Agreement and the recent Government-launched national dialogue. We are convinced that the rebels in Darfur must ultimately join this parallel process without precondition. In that context, it is high time to reflect on applying sanctions against intractable insurgents, as provided for in the Security Council's resolutions. We could begin with the leaders responsible for the killing last year of leaders of the Justice and Equality Movement faction, who had earlier joined the Doha peace process.

Russia supports the efforts of the International Criminal Court (ICC) to investigate the situation in Darfur, pursuant to resolution 1593 (2005). In the general political context, the information confirmed in the ICC Prosecutor's report regarding unabated violence in Darfur is of serious concern to the Council. In that regard, we call on the Court to objectively assess criminal acts perpetrated by all sides in the recent clashes. The activities of the Court to fulfil its mandate to investigate the situation in Darfur cannot be disconnected from general efforts to normalize the situation in that troubled Sudanese province. A delicate balance must also be struck between the interests of reconciliation and justice.

We take note of the Prosecutor's observations regarding the cooperation of States with the International Criminal Court in the framework of the Darfur dossier. The situation in that regard demonstrates once again the importance of States' support to the successful functioning of the Court. When assessing the extent of a country's compliance with its relevant obligations, we should take into account that there can be varying degrees of compliance in each specific case.

In regard to the Security Council's appeals for so-called follow-up activities in referring cases to the ICC, our position has not changed. We believe that proposals should be considered on the basis of their practical suitability, taking into account the Council's purview, the ICC's mandate and the general international legal context. Neither the Rome Statute nor the agreements struck between the United Nations and the ICC stipulate automatic actions in response to such situations. Moreover, we see no added value to such measures at present. In particular, as is well known, serious concerns regarding the application of the Rome Statute to acting Heads of State have been raised by by the African Union. In our view, issues relating to the functions of the Rome Statue should not be resolved in the Council.

I now resume my functions as President of the Council.

There are no more names inscribed on my list of speakers. The Security Council has thus concluded the present stage of its consideration of the item on its agenda.

The meeting rose at 11.40 a.m.